REMARKS

Applicants have amended their claims herein to better clarify their invention. Claims 1, 11, and 20, are amended herein to recite a computer comprising memory. Support can be found in original claims 9 and 10. Claims 1, 11, and 20, are further amended herein to recite a first data storage and retrieval system in communication with a second data storage and retrieval system. Support can be found in FIG. 3. Claims 1, 11, and 20, are further amended herein to recite generating first information by the computer. Support can be found in original claim 9. Claims 1, 11, and 20, are further amended to recite saving the first information in the computer's memory. Support can be found in original claim 10.

Claims 1, 11, and 20, are further amended herein to recite providing a least recently used protocol. Support can be found in the Specification on Page 11 at Lines 14 through 18. Claims 1, 11, and 20, are further amended herein to recite determining using said least recently used protocol if the first information should be written to one or more information storage media. Support can be found in the Specification on Page 11 at Lines 11 through 13.

Claims 1, 11, and 20, are further amended herein to clarify the first information storage media comprises a first data storage and retrieval system. Support can be found in the Specification on Page 12 at Lines 5 through 7. Claims 1, 11, and 20, are further amended herein to clarify that the second information comprises a write command. Support can be found in the Specification on Page 13 at Lines 7 through 14.

Claims 1, 11, and 20, are further amended herein to recite that if the first information need not be synchronously provided to the second data storage and retrieval system, then generating a write command comprising an asynchronous copy attribute. Support can be found

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in original claim 8.

No new matter has been entered. Reexamination and reconsideration of the application, as amended, is respectfully requested.

Claims 11-19 stand rejected under 35 USC 101 as directed to non-statutory subject matter. Claims 11, 12, 14, and 16, are amended herein to recite an article of manufacture comprising a processor, a memory, a least recently used protocol, and computer readable medium having computer readable program code disposed therein to provide information from a first-data storage and retrieval system to a second data storage and retrieval system, the computer readable program code comprising a series of computer readable program instructions which cause said processor to carry out a process comprising the steps of.

Claims 20-28 stand rejected under 35 USC 101 as directed to non-statutory subject matter. Claims 20, 21, 23, and 25, are amended herein to recite a computer program product usable with a usable with a programmable computer processor, said product comprising a computer readable medium having computer readable program code embodied therein to provide information from a first data storage device to a second data storage device, said computer readable code comprising:

Claims 1-28 stand rejected under 35 USC 102(e) as being anticipated by Ohno et al. (U.S. Pat. No. 6,950,915). Ohno et al. teach a method for copying information from a first storage subsystem to a second storage subsystem. Col. 4 / Lines 27-28.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed.Cir. 1987); MPEP 2131.

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Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed.Cir. 1989).

Ohno et al. does not teach a method wherein a computer comprising memory generates information, writes that information to its memory, and determines using a least recently used protocol whether to write that information to one or more information storage media disposed in a first data storage and retrieval system, as recited in Applicants' claims 1, 11, and 20, as amended herein.

Ohno et al. does not teach a method that determines if that information must be synchronously provided from the first data storage and retrieval system to a second data storage and retrieval system, and if that information must be synchronously provided from the first data storage and retrieval system to a second data storage and retrieval system, generates a write command comprising a synchronous copy attribute, as recited in Applicants' claims 1, 11, and 20, as amended herein.

This being the case, Applicants respectfully submit that Ohno et al. fail to teach all the elements of Applicants' claims 1, 11, and 20, as amended herein. Therefore, Applicants further respectfully submit that claims 1, 11, and 20, as amended herein are not anticipated by Ohno et al. Therefore,

Claims 2, 3, 4, and 6, as amended herein, depend, directly or indirectly, from claim 1, as amended herein.. Under 35 U.S.C. § 112, fourth paragraph, "a claim in dependent form shall be construed to incorporate by reference all the limitations of he claim to which it refers." Therefore, claims 2, 3, 4, and 6, as amended herein, include all the elements of claim 1, as

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amended herein. Because claim 1, as amended herein, is not anticipated by Ohno et al., Applicant respectfully submit that claims 2, 3, 4, and 6, as amended herein, are patentable over Ohno et al.

Claims 12, 14, and 16, as amended herein, depend, directly or indirectly, from claim 11, as amended herein.. Under 35 U.S.C. § 112, fourth paragraph, "a claim in dependent form shall be construed to incorporate by reference all the limitations of he claim to which it refers." Therefore, claims 12, 14, and 16, as amended herein, include all the elements of claim 11, as amended herein. Because claim 11, as amended herein, is not anticipated by Ohno et al., Applicant respectfully submit that claims 12, 14, and 16, as amended herein, are patentable over Ohno et al.

Claims 21, 23, and 25, as amended herein, depend, directly or indirectly, from claim 20, as amended herein.. Under 35 U.S.C. § 112, fourth paragraph, "a claim in dependent form shall be construed to incorporate by reference all the limitations of he claim to which it refers." Therefore, claims 21, 23, and 25, as amended herein, include all the elements of claim 20, as amended herein. Because claim 20, as amended herein, is not anticipated by Ohno et al., Applicant respectfully submit that claims 21, 23, and 25, as amended herein, are patentable over Ohno et al.

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Having dealt with all of the outstanding objections and/or rejections of the claims, Applicants submit that the application as amended is in condition for allowance, and an allowance at an early date is respectfully solicited. In the event there are any fee deficiencies or additional fees are payable, please charge them, or credit an overpayment, to our Deposit Account No. 502262.

Respectfully submitted,

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that on this 12th day of June, 2006, the Amendment A, is being filed via the Web Enabled Patent Filing System (EFT-WEB).

By: _____

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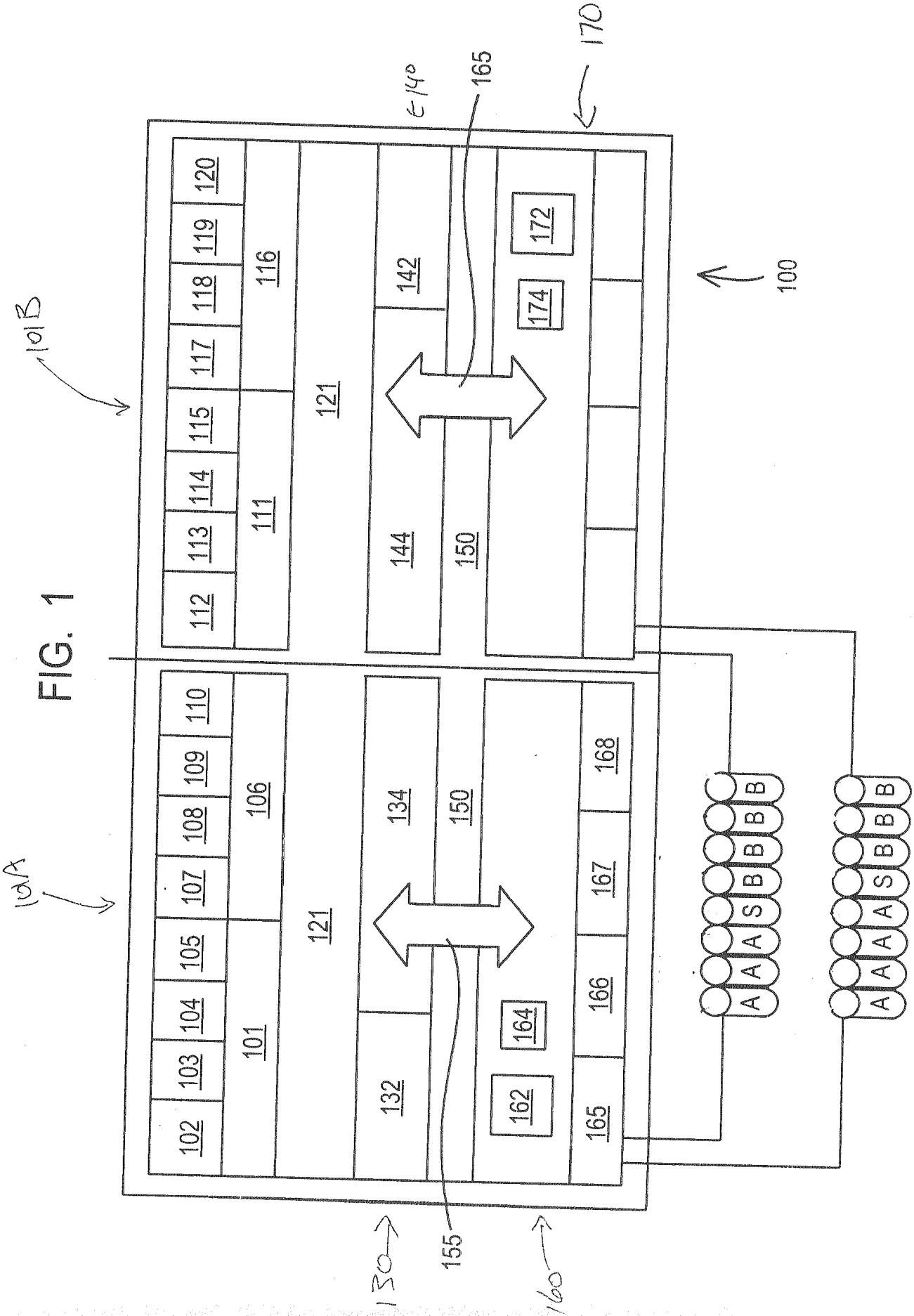
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FIG. 1

FIG. 1

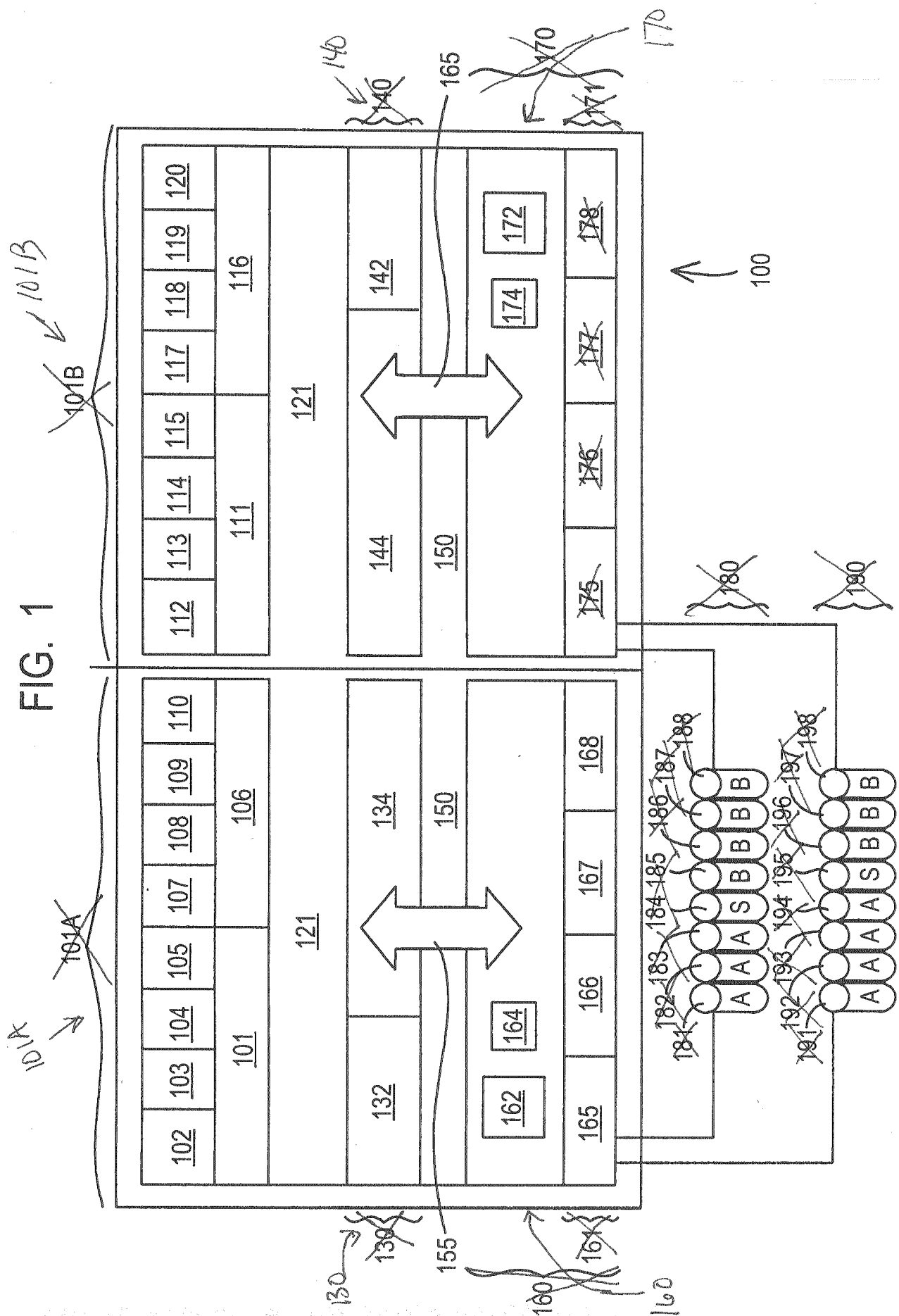
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FIG. 3

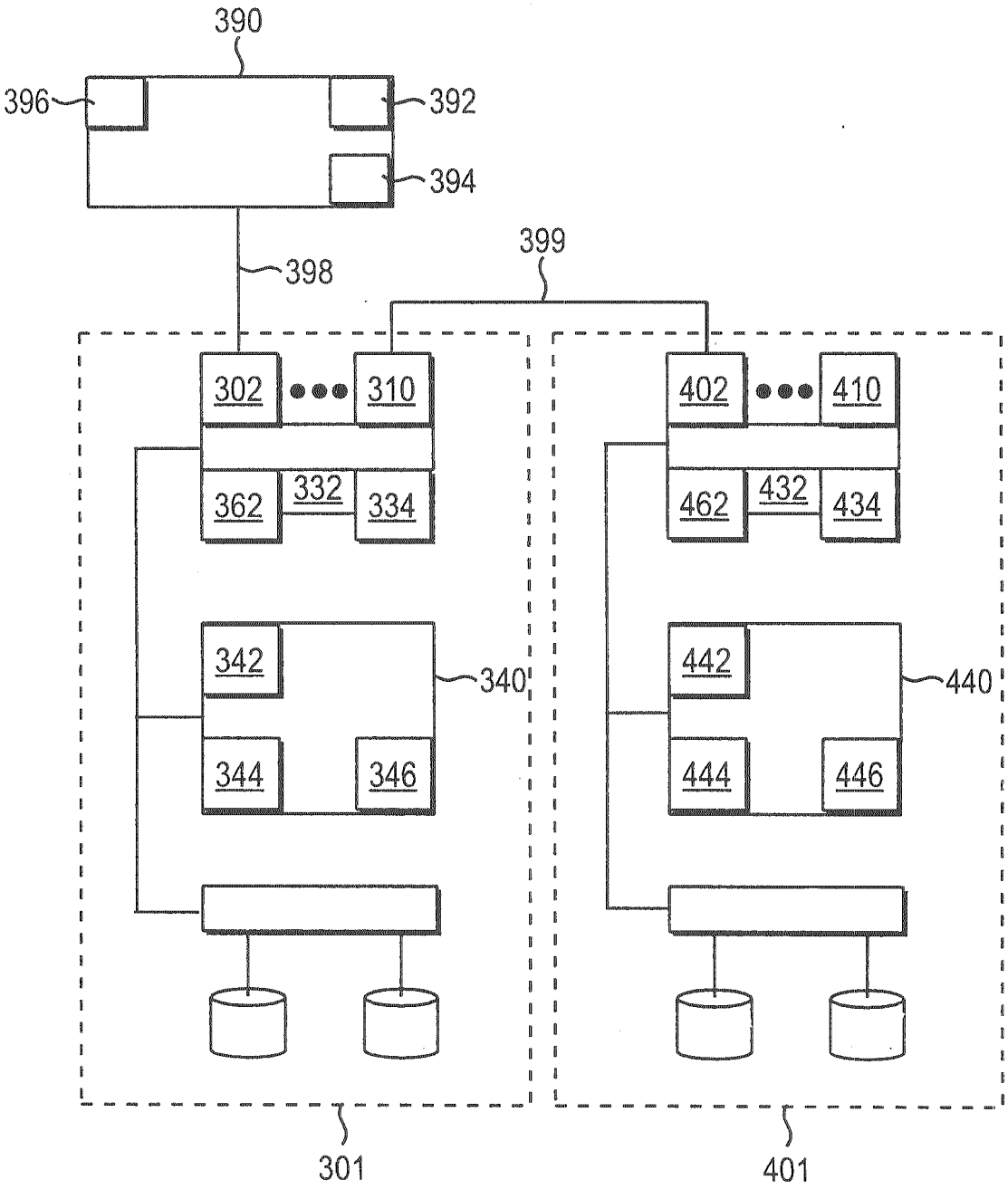
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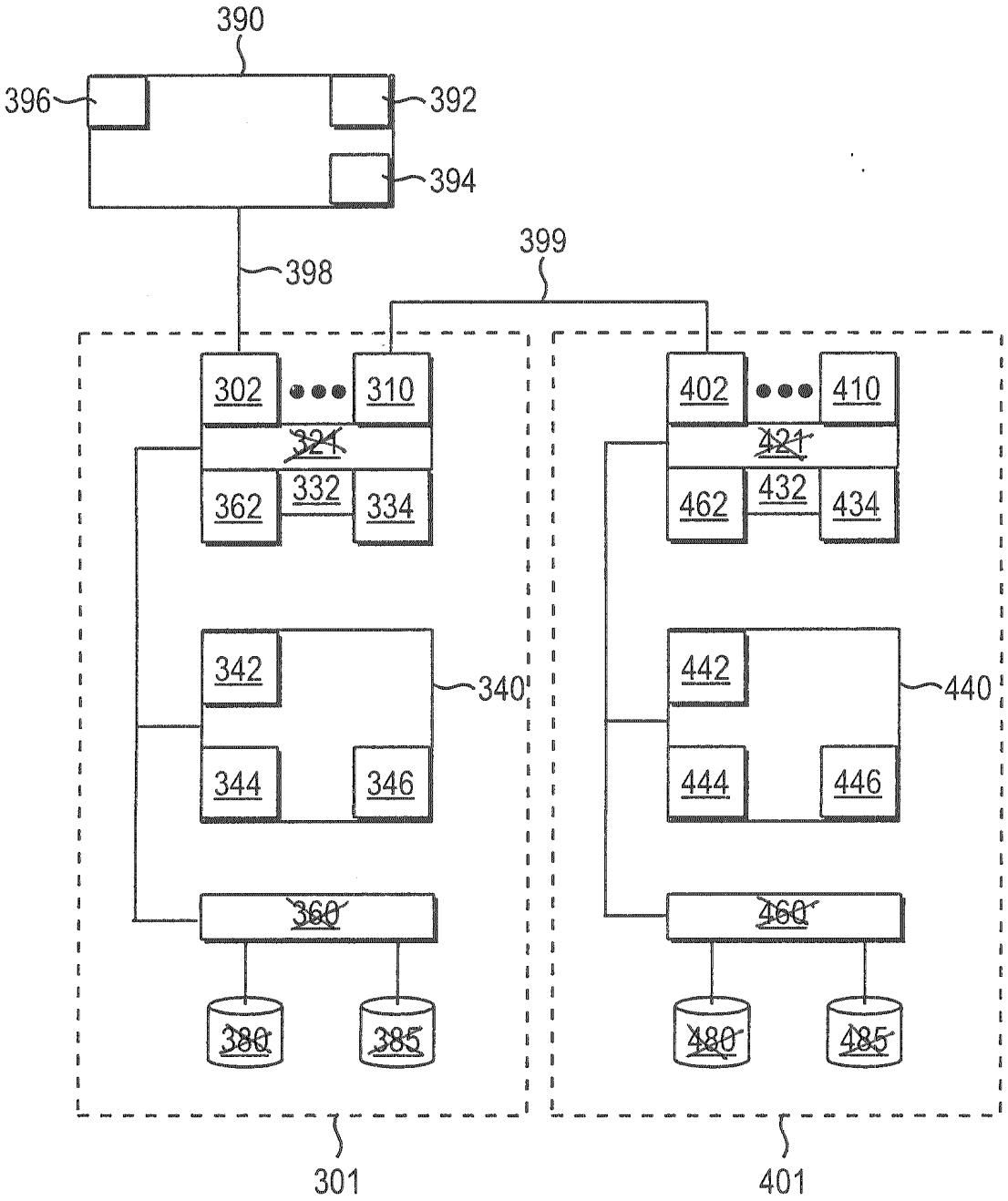
FIG. 3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